

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Public Employees' Retirement System		CONTACT PERSON Jane L. Mapp		TELEPHONE NUMBER 601-359-3592	
ADDRESS 429 Mississippi Street		CITY Jackson		STATE MS	ZIP 39201
EMAIL JMapp@pers.ms.gov	SUBMIT DATE 06/27/2012	Name or number of rule(s): Regulation 35			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The proposed amendments to Regulation 35 are to: (1) amend Section 101.1.e to give the executive director the discretion to determine whether circumstances warrant an extension of the 90-day period in which to complete the service retirement application; (2) amend Section 101.1.f to clarify certain verbiage about an individual who has received a refund (an individual who receives a refund of contributions is no longer a member); (3) amend Section 101.2.e to give the executive director the discretion to determine whether circumstances warrant an extension of the 90-day period in which to complete the disability retirement application; (4) amend Section 101.3.c to update the forms included in the Application for Survivor Benefits now that Forms 14 and 15 have been combined into one form; (5) add Section 101.3.e to clarify that, for purposes of dependent child survivor benefits, a natural child of a member is one who is conceived before the death of the member; (6) amend Section 102 to remove misleading verbiage referring to administrative leave and to Workers' Compensation benefits (same changes proposed to Board Regulation 45A); (7) amend Section 105.5 to give the executive director the discretion to determine whether circumstances warrant an extension of the deadline for claiming service credit attributable to leave days or active duty military service; and (8) add Section 107 to incorporate Internal Revenue rule that provides that duty-related death benefits paid to survivors of deceased public safety officers may be excluded from income if certain Internal Revenue Service prescribed conditions are met. The effective date of the proposed amendments will be August 1, 2012.

Specific legal authority authorizing the promulgation of rule: 25-11-15(6)

List all rules repealed, amended, or suspended by the proposed rule: Regulation 35

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

X Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

X Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES

____ Original filing
____ Renewal of effectiveness
To be in effect in ____ days
Effective date:
____ Immediately upon filing
____ Other (specify): _____

PROPOSED ACTION ON RULES

Action proposed:
____ New rule(s)
____ Amendment to existing rule(s)
____ Repeal of existing rule(s)
____ Adoption by reference
Proposed final effective date:
____ 30 days after filing
____ Other (specify): _____

FINAL ACTION ON RULES

Date Proposed Rule Filed: 05/02/2012
Action taken:
____ X Adopted with no changes in text
____ Adopted with changes
____ Adopted by reference
____ Withdrawn
____ Repeal adopted as proposed
Effective date:
____ 30 days after filing
____ Other (specify): August 1, 2012

Printed name and Title of person authorized to file rules: Jane L. Mapp, Special Assistant Attorney General

Signature of person authorized to file rules: /s/ *Jane L. Mapp*

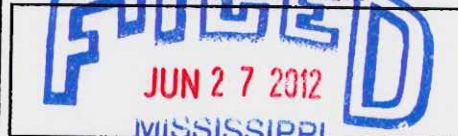
OFFICIAL FILING STAMP

Accepted for filing by

DO NOT WRITE BELOW THIS LINE
OFFICIAL FILING STAMP



Accepted for filing by

OFFICIAL FILING STAMP

Accepted for filing by
MISSISSIPPI
SECRETARY OF STATE
CB18925E

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached